

**Comments to the Federal Communications Commission  
DTV Education Initiative  
MB Docket No. 07-148  
Submitted by the National Consumers League  
September 14, 2007**

**Introduction**

The National Consumers League (NCL), America's pioneer consumer organization, is pleased to provide input to the Federal Communications Commission (FCC) about how to educate consumers about the transition from analog to digital television (DTV). Since its founding more than one hundred years ago, NCL has worked to educate the public about how to navigate the increasingly complex marketplace. The transition to DTV is probably the most significant event for television-viewers since the invention of television itself. It is crucial for people to be aware of the change, understand its impact, and be able to make sound choices.

NCL would like to preface its comments by acknowledging that the FCC has already taken some good steps to educate the public. For example, the [www.dtv.gov](http://www.dtv.gov) Web site is well-designed and offers great information. The notice that the FCC requires for televisions that are currently being sold with analog tuners only is also helpful.

However, NCL is surprised and disappointed that the FCC apparently has not made plans to conduct a major campaign to raise public awareness about the transition to DTV, steer consumers to the Web site, and provide the crucial information they need through various means offline. Now the FCC is asking if it should require multichannel video programming distributors, broadcast licensees and permittees, and consumer electronics manufacturers to educate the public – essentially delegating its responsibility to the private sector. The Notice of Proposed Rule Making also asks if the FCC should work with the National Telecommunications and Information Administration (NTIA) to establish requirements for retailers that participate in the

converter box coupon program in regard to employee training and consumer information.

In these comments NCL will describe the multimedia, multichannel campaign that is needed to ensure that all Americans are prepared for the DTV transition, and propose suggestions for how this could be accomplished.

**The FCC should have planned to conduct a major public awareness campaign about DTV.**

It was the May 24, 2007 letter from John D. Dingell, Chairman of the U.S. House of Representatives Committee on Energy and Commerce, and Edward Markey, Chairman of the Subcommittee on Telecommunications and the Internet, to FCC Chairman Kevin J. Martin and the FCC Commissioners that spurred the FCC to issue this Notice of Proposed Rule Making. That letter correctly points out that “It is the Commission that has primary responsibility among Federal agencies for the overall digital television transition – to lead in consumer education about the transition.” The letter also describes the need for a “comprehensive consumer education program, with a unified message, a clear chain of command, concrete and measurable goals, and mechanisms for oversight and accountability.”

NCL agrees. The FCC should have sought sufficient funds from Congress to plan and execute a major public awareness campaign. Such a campaign would probably include, among other things:

- Commissioning pre-campaign and post-campaign consumer awareness surveys.
- Holding focus groups to develop clear, effective messages for different target audiences.
- Developing a media plan for paid advertisements on television and radio, on the Internet and in print media, and on posters in transit systems and other public spaces.

- Developing a wide variety of educational materials (beyond what is in the agency's current Outreach Toolkit) such as videos, PowerPoint slides, teaching guides, flyers, wallet cards, stickers, table-toppers, door-hangers, magnets, etc.
- Organizing community events to disseminate educational materials.
- Translating advertisements and educational materials into multiple languages (not just English and Spanish).

Ideally, the FCC would augment this plan by working with consumer organizations such as NCL, community groups, public interest groups, social service agencies, consumer protection agencies, manufacturers, retailers, programming distributors, broadcasters, labor organizations, and others to help disseminate the information to all corners of society. For example, businesses of all kinds could be enlisted to distribute educational messages about the DTV transition to their employees and customers through company newsletters, email systems, billing and payroll stuffers, and packaging. NCL notes that while the FCC has more than 50 "partners" listed on [www.dtv.gov](http://www.dtv.gov) Web site from the corporate sector, they are mostly businesses related to the broadcasting or electronics retailing industry and do not include other large companies with tremendous employee and/or customer reach.

Consumer organizations could convey the messages to their members and provide the educational materials and training to the community groups with which they often partner in order to spread the information more widely at the grassroots level. Labor organizations and social service agencies could convey the messages to members or clients in the course of providing benefits or services to them. Libraries and other entities that serve the public would also be good partners.

**NCL is concerned about relying on the private sector to take the lead in educating consumers about the transition to DTV.**

Clear, consistent, and easy-to-understand messages are crucial to educate people about the transition to DTV and spur them to take whatever action may be necessary before it occurs. Since the audience is “all television viewers” – essentially the entire spectrum of the U.S. population, the messages may have to be tailored for different demographic groups. One problem with relying on members of the television and electronics industries to take the lead in conducting public awareness initiatives about the transition to DTV is that it would be difficult to ensure that the messages they convey will be non-commercial, consistent and effective.

Another issue is the efficient use of resources. Clearly one of the best ways to reach television viewers is through television advertising – not just public service announcements that appear in the middle of the night but paid advertisements that are shown during prime time. Advertisements should air continuously, starting at the beginning of next year at the latest and running through the conversion deadline and for a period of time afterwards. A variety of other advertising media should be used as well. It makes no sense for the companies under the FCC’s jurisdiction to each develop and place their own advertisements on television or in other media. If funding from Congress for the FCC to develop and carry out a public awareness campaign is not an option at this point, the question is whether there other alternatives that would enable the FCC to design a comprehensive consumer education program with a unified message, coordinate and oversee its implementation, and assure measurable results?

**One option might be to create a DTV Consumer Education Fund.**

One option might be for the FCC to create a federal DTV Consumer Education Fund to which the companies under its jurisdiction, and perhaps other companies and business associations could contribute. The advantages of this approach are obvious: it would be a more efficient way to muster and deploy the funds that are necessary to conduct consumer education and give

the FCC control over the campaign and its elements. Contributors would be part of a working group that would be set up by the FCC and would also include consumer organizations and other stakeholder groups. The working group members would provide input as the campaign is developed, assist in carrying it out through their own channels of distribution, and help to evaluate its success. The fund could make grants to support campaign activities undertaken by consumer organizations and community groups.

If the FCC is unable to create such a fund, perhaps one could be set up by an independent entity, with a clear chain of command and the FTC at the top as chair of the working group. While the concept of a special fund might be novel to the FCC, it is not unprecedented. For instance, the U.S. Postal Inspection Service maintains a fund for consumer education. The money comes from defendants in fraud cases and is used to conduct the types of multimedia public awareness campaigns needed here. If Congressional action is needed to create a fund, the FCC should seek it immediately.

**If the FCC requires private sector entities to conduct their own public education initiatives, it must provide strong guidance and require accountability.**

If the FCC is unable to take the lead in a public awareness campaign and requires the companies under its jurisdiction to conduct their own public education initiatives instead, it is crucial for the agency to provide them with clear guidance and to encourage them to create a mechanism for cooperation. FCC should work with the industry and others, such as consumer agencies and organizations, to develop the messages and design a plan to convey them. It would also be very important to set criteria for measuring results and require regular reporting to assess whether those results were being achieved.

**The FCC should set requirements to ensure that consumers get the correct information and avoid abuse in the converter box coupon program.**

NCL believes that the FCC should work with the National Telecommunications and Information Administration (NTIA) to establish requirements for retailers that participate in the converter box coupon program in regard to employee training and consumer information. The coupon program is meant to help consumers with the transition, but it could result in confusion and even fraud and abuse if it is not carried out well and monitored closely. It is very important for the information that retailers provide to consumers to be accurate and consistent.

To that end, the FCC and the NTIA should work together to create basic training materials about the coupon program and set minimum guidelines for how and when the information about the program is conveyed. For instance, in addition to any verbal information that employees provide, there could be a requirement to make fact sheets from the FCC/NTIA available to consumers in close proximity to where the converters are displayed. Retailers should be responsible to train their employees and liable if they provide incorrect or misleading information. The FCC and/or NTIA should conduct “mystery shopping” to monitor compliance.

The FCC and NTIA should also work with the Federal Trade Commission to provide guidance to retailers and manufacturers about how to describe the coupons in conjunction with any forms of advertising for the converters.

In addition, NCL believes that the FCC and NTIA should set requirements for the company that will actually provide the coupons to consumers to ensure that their requests are fulfilled in a timely manner and that any personal information that consumers may provide to obtain the coupons will not be used for marketing or any other purpose. The coupon program should be monitored closely for compliance with those requirements.

**In summary, NCL believes that the FCC is responsible to conduct a public awareness campaign to educate consumers about the transition to DTV.**

NCL believes that it is the FCC's responsibility to design and conduct the public awareness campaign that is needed to equip consumers to deal successfully with the transition to DTV. Delegating that responsibility to the private sector is the least desirable approach because it would be difficult for the FCC to ensure that consumers receive adequate, accurate, consistent, and effective information. Furthermore, ineffective, duplicative efforts would be a waste of resources. The companies within the FCC's jurisdiction and a broad array of other stakeholders can and should be enlisted as partners to help carry out the campaign.

The FCC should explore all possible avenues to implement such a campaign. The clock is ticking, and there is little time left to start planning. The FCC must be nimble, flexible and creative to meet the tremendous challenge posed by the transition to DTV and its responsibilities to the public it serves. NCL appreciates the opportunity to make these comments and looks forward to working with the FCC and others on this issue.

Respectfully submitted,

A handwritten signature in cursive script that reads "Susan Grant".

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